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Chairperson: Mr. DESPOUY (Argentina)

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STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SOUTH AFRICA

1. Ms. DLAMINI-ZUMA (South Africa) said that no country was unaffected by human rights concerns. The non-observance of human rights impinged on the overall well-being of the human family and any violation of human dignity constituted an affront to humanity as a whole. The international community needed to act as the collective conscience of humanity when confronted with increasing incidents of human rights abuses and the growth of racism and racial discrimination. Acting without fear or favour, it should not be selective in registering deep concern whenever such abuses occurred.

2. In his autobiography, President Mandela had used the image of a long walk which had not yet ended. Indeed, the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be hosted by South Africa later in the current year, would provide an opportunity for stocktaking: for healing the wounds of the past and building a more positive common vision for the future. The international community would be able to take a rest from its own "long walk", survey the past and chart the future.

3. Racism, racial discrimination, xenophobia or a related intolerance tended to be at the root of any conflict, whether in Northern Ireland, the Balkans or the Sudan. It also lay behind genocide in Rwanda, apartheid in South Africa and problems in the Middle East. The challenge before the Conference was thus to provide a bridge between the past and the future: a past of deeply divided societies and experiences such as slavery, colonial exploitation and racism - and a future founded on human rights, democracy, and respect for the equality of human beings. The injustices of the past having been recognized, it should be possible to find universally acceptable ways of healing past divisions and of restoring the dignity of all. The North-South divide must be bridged by, inter alia, addressing disparities in wealth and development.

4. Change, like the process of giving birth, was usually uncomfortable, yet the outcome was always precious. Similarly, it might be painful to talk about past divisions at the World Conference, but the sacrifice would be worth while. It should prove possible to devise a programme of action capable of being implemented at the individual, national and international levels. The international community must build a world in which a Palestinian child and an Israeli child would enjoy equal access to food, shelter, health services, education and security; in which an Israeli mother would feel pain when a Palestinian child bled and a Palestinian mother feel the same pain when an Israeli child bled. In such a world, the Palestinians would have their own motherland and live in harmony with their Israeli neighbours. The realization of such a dream might not come easily, but the alternative was unthinkable.

5. It was vital also to work towards a future in which an African child was proud to be an African and did not aspire to be a European. In such a world, women would enjoy all freedoms and play a full role both in society and in the family, and Muslims, Catholics and Protestants would live as neighbours. In such a world also, it would be possible to land at any airport and be treated as a human being irrespective of colour, nationality, religion or gender. The creation of such a world would be the greatest contribution to human rights.

6. South Africa, for its part, was grappling with all the issues to be addressed by the Conference. From the human tragedy of apartheid, a nation united in its diversity was being constructed: a non-racial and non-sexist society. The country was confronting its past, but the struggle continued and the "walk" was not yet over.

7. Her delegation, which appreciated the sterling work done by the High Commissioner for Human Rights and regretted her decision not to seek a second term of office, was looking forward to continuing its constructive contribution to the Commission's important work.

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

8. Mr. MICHEL (Belgium) said that, on the occasion of the International Day for the Elimination of Racial Discrimination, he wished to share his dream of a global alliance to combat racism. Belgium (a new member of the Commission) was committed to working proactively alongside its partners for the promotion of human rights. Its approach to international relations was inspired by human and democratic values.

9. While respecting the decision of the High Commissioner for Human Rights, his delegation regretted that she would not be seeking a second term. It would continue to support her until the end of her mandate. The task of human rights defenders, although heavy and often without reward, was a vital one. Given that words alone were insufficient, his Government had adopted new budgetary provisions to enable Belgium to reinforce its support for human rights at all levels and to provide much-needed assistance to the Office of the High Commissioner for Human Rights (OHCHR).

10. There were no rights without duties, and that was true of both States and individuals. The first duty was to respect human rights and to ensure that they were respected. The full exercise of human rights could be guaranteed only when the principles of equality and non-discrimination were observed. In that connection, he wished to underscore the particular importance of respect for the right to life and for the principle of non-discrimination on the basis of gender or race. Since 1997, the European Union had actively opposed capital punishment which should never be imposed on persons under the age of majority (at the time of the commission of the crime), on pregnant women, or on persons not in full possession of their mental capacities.

11. The principle of gender equality must be translated into the full and equal participation of women in political, economic, social and cultural life. His Government had enacted numerous legislative measures to that end and the principle had recently been incorporated into the country's Constitution. In that connection, his Government was particularly troubled by the situation of women whose rights were being seriously violated in many parts of the world. The restrictions imposed on women in Afghanistan were of particular concern.

12. The international community should unite against intolerance in all its forms: against racism, xenophobia, anti-Semitism, Islamophobia and the rejection of perceived or actual difference, all of which constituted threats to democracy, equality and human dignity, as well as to social cohesion and the right of all to participate in society.

13. The stakes at the forthcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance were human dignity and world peace. The international community owed much to the experiences of the host country, South Africa, whose population had suffered greatly from racism and yet had had the courage to embark on an exemplary process of reconciliation.

14. It was important, indeed, to acknowledge the past fully, and that meant reconciling oneself to the least glorious aspects of one's own past. Only then could the foundations for new relationships be built in which there would be no more room for misunderstandings. New impetus must be given to development assistance, and the dialogue among civilizations must be strengthened. Access to education, employment, housing and health services were all too often undermined by discrimination. In that connection, cooperation with the media should be reinforced with a view to defining codes of conduct to combat racism.

15. The role of local communities required particular attention, but that in no way lessened the responsibility of States. Domestic law constituted a particularly effective bastion against racism. At the regional level, the Charter of Fundamental Rights of the European Union, recently signed at Nice, was most welcome, particularly since it envisaged a mechanism for monitoring all practices that threatened democracy in the Union, racism and xenophobia being two of them.

16. His delegation also wished to urge universal ratification of the international human rights instruments while underscoring the particular importance of article 14 of the Convention on the Elimination of All Forms of Racial Discrimination.

17. Good intentions did not always produce the desired results. The inflexibility of the European countries might lead to certain countries becoming isolated, with their peoples in the hands of totalitarian regimes. It was necessary to be patient with countries that had not yet had time to establish firmly a State based on the rule of law. A well devised human rights policy therefore required the adoption of a rigorous yet flexible approach.

18. Similarly, whereas Western countries were tending to limit the role of the State, they should not expect others to follow suit, since some States were still struggling to ensure that law and order were respected and to provide social protection and education for their populations. Indeed, when the West applied the principle of conditionality to development cooperation, it punished not the regimes but the populations. While structural cooperation with authoritarian States which enabled them to obtain resources that they might use arbitrarily must be refused, cooperation to help organize the administration, overhaul the courts and improve health and education facilities should not be submitted to the same inflexible conditions.

19. The second duty, in terms of a universal approach to human rights, was solidarity, for solidarity was the glue that bound individuals, societies and States together; it also linked the generations, ensuring that no one was marginalized. In that connection, he wished to stress the need to guarantee the rights of the child. There were still far too many child slaves, child

soldiers, abused children and children who lacked basic rights such as the right to life, food and education. His Government would do everything in its power to ensure the success of the forthcoming special session of the General Assembly on the follow-up to the World Summit for Children.

20. Solidarity was also an expression of the fundamental duty to cooperate. His Government attached the highest importance to ensuring that the right to development was properly implemented so that everyone was assured of food security and access to medication. That solidarity must be extended, first and foremost, to the most disadvantaged. He called on all delegations to make every effort to ensure that the forthcoming United Nations Conference on the Least Developed Countries achieved useful results and helped promote the right to development. The specific needs of the poorest countries should also be taken into account at the ministerial meeting of the World Trade Organization (WTO), since improved trade regulations would, by helping to promote peace and progress, also promote human rights.

21. Cooperation also meant allowing one's peers to look at what was happening within one's own borders. In that spirit, his Government would welcome visits or questions from any special rapporteurs or independent experts concerned about the human rights situation in Belgium.

22. Lastly, the universality of human rights was based not on ethnocentric arrogance or cultural imperialism but on the basic conviction that each human being reflected the whole of humanity. The cornerstone of civilization was the ability to accept and love one's neighbour, whatever his or her differences or origin.

STATEMENT BY THE ATTORNEY-GENERAL OF ZAMBIA

23. Mr. MUTALE (Zambia) said that it was generally recognized that the enjoyment of human rights strengthened a people's resolve to build solid democratic institutions and observe the rule of law whereas deprivation of human rights often led to armed conflict and behaviour that challenged the very essence of humanity and democracy. He was pleased to report, therefore, that most of the fundamental freedoms outlined in the six major human rights instruments elaborated by the United Nations and the African Charter on Human and Peoples' Rights were enshrined in the Constitution of Zambia.

24. However, his country's external debt burden continued to be a major concern because it was eroding the resources needed for social sector investment and hampering the achievement of sustainable development. He therefore reaffirmed his Government's plea for a total cancellation of Zambia's external debt.

25. His country's difficult situation was due to three interactive forces: the debilitating debt, the high prevalence of HIV/AIDS - 30 per cent of the adult population was HIV positive - and poverty, which affected some 70 per cent of the population. Nevertheless, his Government remained committed to reducing poverty, especially among such disadvantaged groups as the disabled, street children and the elderly. In addition to implementing the national poverty reduction action plan, it was preparing a poverty reduction strategy paper and was cooperating with the United Nations country team in developing the common country assessment, which

would provide an overview of the country's development situation using a human rights-based approach. It remained committed to that process, which would enhance the integration of United Nations activities in Zambia.

26. Another priority was the integration of human rights and the achievement of gender balance in all spheres. His Government sought to achieve the full participation of women in the development process at all levels. It had adopted a number of measures aimed at gender mainstreaming of laws, enforcement mechanisms and support systems. It had also participated in the regional conference of the Southern African Development Community (SADC) to assess the progress made in the implementation of the SADC addendum on the prevention and eradication of violence against women and children.

27. His Government was also determined to prioritize children's interests by investing in children and implementing a programme that addressed their needs. Government departments had been given specific mandates relating to the protection of children which were being implemented in collaboration with various donor agencies and non-governmental organizations (NGOs). In addition, as a State party to the Convention on the Rights of the Child, Zambia had prepared its initial report as required by that Convention.

28. He reaffirmed his Governments' commitment to the fight against racism, racial discrimination, xenophobia and all forms of intolerance and said that it was looking forward to participating in the forthcoming World Conference on the subject.

29. Recognizing that interface between the State and civil society was unavoidable, his Government had undertaken a national capacity-building programme for good governance, the main objective of which was to promote dialogue, transparency and accountability of public institutions. The Government recognized that the promotion and protection of human rights called for both the State and civil society to carry out their respective duties and, under the good governance programme, it had realized the importance of the role that civil society played in that regard.

30. The Government had the political will to realize all human rights standards at the domestic level, as clearly indicated by the programmes and legislation it had put in place.

STATEMENT BY THE ATTORNEY-GENERAL OF KENYA

31. Mr. WAKO (Kenya), speaking on behalf of the African Group, began by expressing its sincere regrets at the High Commissioner's decision not to seek a second term of office. The African Group was obliged to respect her decision, but would greatly miss the dedication, commitment and integrity which had characterized her work, and the courage and enthusiasm she had shown in tackling the difficult and challenging tasks of her office.

32. OHCHR and the Commission itself had a critical role to play in promoting a human rights ethic as one of the key shared values and aspirations of the global community. The work of the Commission and its various organs and institutions should therefore be depoliticized, and

its deliberations characterized by positive, constructive and effective dialogue with the aim of fulfilling human rights objectives. In that context, the African Group attached the utmost importance to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in South Africa.

33. It was regrettable that the scourge of racism had not only continued unabated but had evolved to include new and contemporary forms. In order to succeed, the World Conference needed to undertake a thorough review of the real causes of racism, as well as its historical forms and manifestations. It had to reach agreement on action-oriented, forward-looking solutions that would deal effectively with issues which had bedevilled mankind throughout history. It should also give priority to the plight of victims, with a view to enhancing their access to justice and to providing for a fair redress.

34. In their preparations for the World Conference, delegations should focus on substantive issues, and show flexibility by accommodating those important issues which were peculiar to and of special concern to different regions. The Durban Declaration and Programme of Action should not only reinforce long-established principles of international humanitarian and human rights law but must also reflect a strong collective commitment to implement specific measures to promote the principles of equality, non-discrimination and tolerance, to protect victims, and to diminish racism, racial discrimination, xenophobia and related intolerance.

35. The greatest human rights challenge the world faced was the eradication of extreme poverty. In Africa, it had claimed more lives than war. That was an unacceptable situation which the international community must address effectively. In that regard, the African Group welcomed the high-level intergovernmental event on financing for development, which it expected to address the stark inequities in international economic relations which had exacerbated poverty in many African countries. It was also vital that the international financial institutions consider and take into account the human rights implications of their policies.

36. The African Group considered that realization of the right to development would be a crucial step in promoting tolerance and equal opportunity for all human beings, and in addressing situations of extreme poverty. While the primary responsibility for development lay with the State, its multidimensional nature demanded the involvement and active role of the international community to create a dynamic and enabling environment conducive to the advancement of the developing countries, such as improved access to the markets of industrialized countries for goods from developing countries.

37. Although the right to development had been accepted by all as an inalienable human right, the working group on the right to development had not been able to achieve any concrete results over the past two years. The African Group appreciated the attempts of the group's Chairman to bring together all the relevant partners in an endeavour to develop a common framework and agree on a set of principles to put the right to development into effect. It fully agreed with his conclusions, and called upon the Commission to endorse them. The African Group urged the Commission to renew the mandates of the working group and the independent expert. The issue of the right to development should be treated with the urgency it deserved.

38. The African Group expressed its appreciation of the advisory services provided by OHCHR, particularly with regard to the setting up of national institutions. It called for enhanced capacity-building to strengthen implementation of the principles of human rights law at the grass-roots level, which was the greatest challenge faced by many African countries. At two regional meetings of African Ministers of Justice and Attorneys-General, the lack of institutional capacity had been identified as one of the greatest hindrances to the effective promotion and protection of human rights. There was clearly a need to increase the support given by OHCHR to the African countries in that area.

39. The situation of migrants was a key concern of the African Group. As a major source of migrants, Africa was concerned about violations of their human rights. They suffered discrimination on many fronts, including the granting of visas and work permits, gross underpayment, poor working conditions and long working hours. The African Group thus urged those States that had not yet done so to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

40. It was deplorable that, in recent years, the world had witnessed an increase in the number of conflicts with resultant gross violations of human rights. The African Group strongly urged the international community to intensify its efforts towards conflict prevention and resolution, and to address the problem of increasing refugee flows. African countries had taken a number of regional peace initiatives, and must assume the responsibility of furthering the cause of human rights by taking a more active role in initiating and crafting resolutions on specific human rights situations in Africa. The African Group intended to initiate and submit draft texts for informal consultations as soon as possible.

41. It was the conviction of the African Group that each region should bear the primary responsibility for its own human rights situation. Such an approach would not only result in the depoliticizing of human rights but also facilitate constructive dialogue.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (continued) (E/CN.4/2001/6, 16, 114 and 133; E/CN.4/2001/NGO/27; E/CN.4/2000/12)

42. Mr. AL-ASKAR (Observer for Kuwait) thanked the High Commissioner for her report on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114), which documented the serious acts of violations of human rights taking place in the occupied Palestinian territories.

43. His delegation looked forward to seeing the High Commissioner's conclusions and recommendations translated into concrete action, particularly with regard to the provision of international protection to the Palestinian people under Israeli occupation, the de jure applicability of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to the occupied Palestinian territories, the cessation of the construction of new settlements and the removal of those located in heavily populated Palestinian areas, and the request that the Israeli security forces protect Palestinians from violence perpetrated by Israeli settlers.

44. His Government believed that the only way to achieve permanent peace and stability in the area was through peaceful negotiations and compliance with international human rights standards and full implementation of international humanitarian law and the relevant human rights instruments. The international community should shoulder its responsibility in that regard.

45. Lastly, he expressed the deep regret of his delegation that the High Commissioner had decided not to stand for a second term of office.

46. Mr. AL-NAMA (Observer for Iraq) said that the human rights situation in the occupied Palestinian territories had taken a sharp turn for the worse since September 2000, with appalling violations of the human rights of the Palestinian population by the Zionist entity. The report of the High Commissioner (E/CN.4/2001/114) provided authentic testimony of what was happening. She expressed her profound concern at the serious loss of life, and at the gravity of the violations of human rights, with the killing and injuring of the civilian population, including women and children, expropriation of property and farmland, economic blockade and the use of excessive force by the occupying Power.

47. The crimes committed by the occupying Power amounted to genocide based on ethnic cleansing and expansion through colonization. Those who claimed to have been the victims of Nazis were currently committing the same, and indeed worse, crimes against the Palestinian people. The Zionist policy of seeking a peaceful settlement was merely intended to act as a smokescreen to mask the true intention of expropriating land by force and blackmailing the Palestinian population in order to extract concessions in exchange for unkept promises.

48. His Government called on the Commission to help find the necessary means to protect the Palestinian people against Israel's genocidal and racist practices. International forces must be sent to protect the Palestinian people, and Israeli officials and military must be brought to book and punished for their crimes against humanity.

49. Mr. RAMLAWI (Observer for Palestine) expressed his delegation's regret at the High Commissioner's decision not to seek a renewal of her mandate. Her report (E/CN.4/2001/114) displayed the height of objectivity and her conclusions and recommendations were exemplary, particularly her insistence on the need for conformity with the requirements of international human rights and humanitarian law. The recommendations contained in paragraph 96 of the report should be reflected in the resolution adopted by the Commission. He drew particular attention to the recommendations that compensation should be provided to the victims of the unlawful use of force and that all holy sites should be respected. The High Commissioner had proved most sensitive to Palestinian sensibilities and he paid tribute to the courage she had shown when her vehicle had come under fire.

50. Mr. MADI (Observer for Jordan), having joined the previous speakers in regretting the High Commissioner's decision not to serve a second term and expressing the hope that she would reconsider her position, said that his country had benefited from activities carried out by her Office, including the Regional Cooperation Framework for Asia and the Pacific and the joint project on human rights strengthening with the United Nations Development Programme (UNDP).

51. The High Commissioner had submitted a balanced and objective report on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114). His delegation shared her concern about the deterioration of the human rights situation in the occupied territories and supported her conclusions and recommendations. All those listed in paragraph 96 should be implemented. His delegation also believed that a lasting peace could be achieved only through peaceful negotiations in conformity with the requirements of international human rights and humanitarian law. Durable peace could not be achieved without commitment, mutual respect and cooperation.

52. His delegation shared the view expressed in the High Commissioner's report submitted pursuant to General Assembly resolution 48/141 (E/CN.4/2001/16) that there should be no place for racism and racial discrimination in the modern world. For that reason, the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was of the highest significance, since it gave the international community an opportunity not only to confront the past and shape the future but also to make a new commitment to respect for the equality of all members of the human family.

Statements in exercise of the right of reply

53. Mr. LEVI (Observer for Israel), having drawn attention to his Government's response (E/CN.4/2001/133) to the High Commissioner's report on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114), said that, according to the Minister of Planning of the Palestinian Authority, the intifada would topple the Sharon Government within six months. He had boasted that, whereas Hezbollah in Lebanon had killed 20 to 25 Israeli soldiers a year for 20 years, the intifada had killed 74 Israelis in four months alone. If the Commission wished to ascertain the reasons for the riots and the casualties on both sides, it was unnecessary to send rapporteurs to the area, the statements of the Palestinian Authority leadership provided sufficient information.

54. His Government had no interest in imposing a solution nor did it wish to be dictated to. The way forward was not through one-sided resolutions passed by the Commission but through a call by the Palestinian Authority - in Arabic - to the Palestinian people and armed groups to stop the violence. That very afternoon, the Middle East Committee of the Council of Europe had toured the area and noted that 40 per cent of the wounds suffered by Israelis had been caused by shots fired by members of the Palestinian security forces.

55. The Israeli Minister for Foreign Affairs had stated that a change in the situation should be based on four principles: an end to the violence; a change in rhetoric from the language of confrontation, which led only to violence, to the language of peace; a return to the negotiating table, which was the only way of achieving a lasting settlement; and a move to ease living conditions in the territories. Those principles must be applied in a simultaneous, unconditional and uniform way.

56. Mr. RAMLAWI (Observer for Palestine) said that a representative of the Israeli Government was hardly the person to pontificate about an end to violence. Israel's original occupation of the Palestinian territories had been achieved through violence and ever since then that country's policy had been based on violence. The visit by the current Prime Minister to the

Al-Aqsa Mosque, protected by 3,000 soldiers, had in itself been an act of violence. Israeli forces had engaged in massacres, sometimes of whole villages. The military occupation, the use of tanks against civilians, bombing by aircraft, political assassinations and the creation of settlements showed that Israelis were past masters of violence, bearing no comparison with those who merely threw stones. Yet it appeared that the latter were those who were to be asked to stop the violence. The international community would lend little credence to such an appeal.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (E/CN.4/2001/17-19; E/CN.4/2001/NGO/9, 10, 40, 117, 146, 163 and 174)

57. Mr. FAYSAL (Syrian Arab Republic) said that it was shocking that, in the twenty-first century, the right to self-determination still needed to be discussed, simply because there were those who did not wish to abide by reason and logic. Most peoples throughout the world had achieved self-determination, but others were still struggling for it. A prime example of the latter situation was Palestine. Israel and its supporters did not wish to recognize the Palestinians' right to self-determination and to establish their own State on their own soil. It might seem that a policy of genocide, murder, blockades, the establishment of settlements and the destruction of land could persuade the Palestinians to abandon their aspirations. History, however, showed that such policies always failed. The Palestinians would achieve self-determination in due course, in accordance with the two International Covenants of Human Rights and all the other human rights instruments. Only Israel and those who forgave Israel any sin it might commit were able to ignore the fact that the right to self-determination was an inalienable one. The international community must call unequivocally on Israel to accept the dictates of logic and justice, cease its murderous practices and allow the Palestinians their self-determination after 53 years of harassment.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

58. Mr. GAZIOGLU (Observer for Turkey), speaking in exercise of the right of reply, said that the observer for Cyprus had misrepresented the situation when he implied that the ruthless embargo on the Turkish Cypriots had been imposed as a mark of displeasure by the international community. That was not so. The embargo had no relation to the Cyprus question but was merely a continuation of the harsh measures mercilessly inflicted by the Greek Cypriot Administration from 1963 onwards, long before the establishment of the Turkish Republic of North Cyprus.

The meeting rose at 5.35 p.m.